

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By **CHAIRMAN JOAN ANDERSEN**, on March 5, 2003 at 3:00 P.M., in Room 137 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Joan Andersen, Chairman (R)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Larry Lehman, Vice Chairman (R)  
Rep. Norman Ballantyne (D)  
Rep. Norma Bixby (D)  
Rep. Gary Branae (D)  
Rep. Nancy Fritz (D)  
Rep. Carol Gibson (D)  
Rep. Verdell Jackson (R)  
Rep. Bob Lake (R)  
Rep. Bob Lawson (R)  
Rep. Joe McKenney (R)  
Rep. Clarice Schrumpf (R)  
Rep. Pat Wagman (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Eddye McClure, Legislative Branch  
Mari Prewett, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp on these minutes appears at the end of the content it refers to.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 41, SB 42, SB 43, 2/20/2003  
Executive Action: SB 41, SB 42, SB 43

**CHAIRMAN ANDERSEN** announced that on March 26, 2003, there would be a presentation regarding the No Child Left Behind Initiative. Duane Matthews from the Education Commission of the States and Nancy Coopersmith from the Office of Public Instruction would make the presentation and answer questions regarding the program.

**HEARING ON SB 41, SB 42, SB 43**

**Sponsor:** SEN. JOSEPH (JOE) TROPILA, SD 24, Great Falls

**Opening Statement by Sponsor:**

**SEN. TROPILA** informed the Committee that there was no fiscal impact related to the bills. He went on to say that he would be presenting the three bills simultaneously. **SEN. TROPILA** stated that SB 41 was an act to change the designation for the Montana School for the Deaf and Blind (MSDB) from an independent institution to a state-supported special school. He explained the reason was to accurately reflect in statute the objectives and purposes of MSDB as a state-supported school for the deaf and the blind. **SEN. TROPILA** pointed out that MSDB was not an institution. The kids that attended MSBD did not like their school being referred to as an institution and were the ones pushing for the bill.

**SEN. TROPILA** declared that SB 42 was an act requiring the Montana School for the Deaf and Blind (MSDB) to establish a system for tracking and intervention of visually-impaired children or hearing-impaired children. He went on to say that tracking and intervention were critical components to ensure that the deaf and hearing-impaired or blind and visually-impaired children received consistent educational services to successfully deal with the impacts of their disability from birth until they go out on their own.

**SEN. TROPILA** stated that SB 43 was an act changing the fee for services collected by the Montana School for the Deaf and Blind (MSDB) from a mandatory fee to an optional fee. He explained that when the mandatory fee had been implemented for outreach programs for MSDB, where deaf and visually impaired children wanted to stay in their communities rather than attending MSDB, many schools did not have the funding allocated in their budgets to pay these fees. He continued that they were trying to eliminate the mandated fee and make it optional so that all schools could participate and all children receive the education they deserve.

**Proponents' Testimony:**

**Steve Gettel, Superintendent, Montana School for the Deaf and Blind**, distributed two handouts to the Committee, attached as Exhibits 1 and 2. The Program Indicators for the 2003 Biennium, Exhibit 1, was distributed for informational purposes only. **Mr. Gettel** presented his testimony in support of SB 41, SB 42 and SB 43 to the Committee and is attached as Exhibit 2.

**EXHIBIT (edh46a01)**

**EXHIBIT (edh46a02)**

**Erik Burke, MEA/MFT**, stated that they support SB 41, SB 42 and SB 43. He went on to say that they believe that the bills are common sense pieces of legislation that would help the kids of Montana that need a little extra help.

**Bob Vogel, Montana School Boards Association**, spoke in support of all three bills. He spoke specifically on SB 43. **Mr. Vogel** stated that he was also speaking on behalf of Rhonda Carpenter, Great Falls Chamber of Commerce, who had asked him to convey the Great Falls Chamber of Commerce's support for the bills. **Mr. Vogel** stressed that SB 43 is a good bill for students. He urged the Committee to support the bill to help the students get the services they need.

**Darrell Rud, School Administrators of Montana**, expressed his support for the three bills. **Mr. Rud** indicated that he would be putting his focus on SB 43 and gave an example of the need for the resources provided by the Montana School for the Deaf and Blind. **Mr. Rud** urged the Committee to pass the bill, by doing so they would be providing resources, in an affordable manner, for Montana's school districts. Mr. Rud provided a handout to use as a resource, attached as Exhibit 3.

**EXHIBIT (edh46a03)**

**Bob Runkel, Director Special Education, Office of Public Instruction (OPI)**, stated that the services offered by the Montana School for the Deaf and Blind (MSDB) were absolutely essential to the public schools in order for them to meet their obligations under Special Education. He went on to say that the public schools would have a hard time meeting the needs of the kids with sensory impairment if they did not have the consulting services offered by MSDB. **Mr. Runkel** focused on SB 42 which would provide for the critical need to track students with significant sensory impairments. He pointed out to the Committee the need to start providing language services to the sensory

impaired at an early age in order to provide them with a good foundation for future development.

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 26.9}***

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. MCKENNEY** asked Mr. Gettel if the tracking system provided for in HB 42 would be proactive legislation or if there was a problem that they were trying to correct. **Mr. Gettel** answered that it was proactive.

**REP. LEHMAN** asked Mr. Gettel if SB 42 infringed on privacy rights, both of a federal nature and a state's nature. **Mr. Gettel** replied that they did not, all information gathered would be through consent of the parents.

**REP. LEHMAN** referred to SB 43 and asked Mr. Gettel if there was an equity situation if one school paid and one did not. **Mr. Gettel** responded the they were not charging school districts for their consultation services. He went on to say that they have charged for materials and supplies that had been obtained through them. He pointed out that they would continue to provide districts with one-on-one human resource types of consultations.

**REP. LAWSON** asked Mr. Gettel how they were funded. **Mr. Gettel** answered that the largest part of their budget came from general fund dollars, around ninety percent with state special revenue and some federal dollars making up the rest.

**REP. LAWSON** asked Mr. Gettel if their state funding was based on ANB (Average Number Belonging). **Mr. Gettel** replied that they were not funded per student.

**REP. LAWSON** asked Mr. Gettel if in changing their name the funding stream would be changed. **Mr. Gettel** answered that it would not change their funding at the present time.

**REP. LAWSON** asked if by changing the name of the school they would be eligible for additional state or federal aid. **Mr. Gettel** stated they were discussing that option with OPI as to how their school could be designated an LEA (Local Education Agency), without having a district, and how they could come up with a formula to access other funding.

**REP. JACKSON** asked Mr. Gettel if they could get into a situation where their services would continue to expand and the legislature would be asked to continue to increase their budget. **Mr. Gettel** stated that the reason they were asking for the change in the statute was because they believe that the kids had to have the services provided by the Montana School for the Deaf and Blind as there were not enough trained teachers available. He went on to say, that to solve the problem they would use federally funded rural education grants to train teachers for the deaf and blind at literally no cost. He went on to explain that he did not think that there were that many kids out there that needed their services that had not already been identified.

**REP. JACKSON** asked Mr. Gettel if they would be eligible for federal money for the kids. **Mr. Gettel** responded that he was not the person to answer the question.

**REP. JACKSON** asked Mr. Gettel what impact tracking of the children would have on the parents since they were talking about a time frame of birth to age 21. **Mr. Gettel** responded that the tracking could only be done if the parents consented.

**REP. JACKSON** asked Mr. Runkel if it would be possible to use federal funds for the services provided by the Montana School for the Deaf and Blind. **Mr. Runkel** answered that it would be possible to use federal Part B funds to obtain consulting services, such as services provided by the Montana School for the Deaf and Blind, as it would be for other forms of consulting services, when those services were directly tied to helping teachers understand how to better educate a child with disabilities.

**CHAIRMAN ANDERSEN** asked Mr. Gettel if since they did not fit into the LEA category they were not eligible for Title I funds. **Mr. Gettel** answered that they were not eligible under present definitions that OPI used.

**REP. GIBSON** asked Mr. Gettel how they had increased their services. **Mr. Gettel** responded that they moved their staff around to meet the needs of the kids all across the state. He continued that they were also doing a better job of keeping track of data.

**CHAIRMAN ANDERSEN** asked Mr. Gettel if they continued to track students after they graduated from a high school program. **Mr. Gettel** replied that once a child had exited from a special education program they did not continue to track them. **Mr. Gettel** stated that the reason for the data base was so that professionals dealing with children could go to one spot to find

information about a child that had been placed in services in their program.

**CHAIRMAN ANDERSEN** asked Mr. Gettel if they had any way to contact an out-of-state data base regarding students that enter their program from out-of-state. **Mr. Gettel** replied that they did not.

**Closing by Sponsor:**

**SEN. TROPILA** reiterated that none of the bills, SB 41, SB 42 and SB 43, had a fiscal impact. He went on to say that in statute the Montana School for the Deaf and Blind (MSDB) is referenced as an institution. By changing the school to a special school it could possibly qualify them for some federal funding that would help their budget. **SEN. TROPILA** pointed out that not all sensory impaired children attend school at MSDB, many of them attend the public school system. He reminded the Committee that MSDB was a state school and they needed to keep it that way.

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 28.2}***

**EXECUTIVE ACTION ON SB 41**

**Motion/Vote:** REP. GALVIN-HALCRO moved that SB 41 BE CONCURRED IN. Motion carried 14-0 by voice call vote.

**EXECUTIVE ACTION ON SB 42**

**Motion/Vote:** REP. GALVIN-HALCRO moved that SB 42 BE CONCURRED IN. Motion carried 14-0 by voice vote.

**EXECUTIVE ACTION ON HB 43**

**Motion:** REP. GALVIN-HALCRO moved that SB 43 BE CONCURRED IN.

**Discussion:**

**REP. JACKSON** proposed that they take Line 22 out and on Line 20 that they leave the word shall in and add that they could negotiate the fee especially if Line 22 were removed.

**Motion:** REP. JACKSON moved that SB 43 BE AMENDED.

**REP. JACKSON'S** amendment would read, "The school shall collect a reasonable fee for assistance from the public school..." and strike Line 22.

**CHAIRMAN ANDERSEN** clarified that **REP. JACKSON** had moved to strike the word "may" on Line 20 and insert the word "shall."

**REP. GALVIN-HALCRO** stated that she would oppose the proposed amendment because it would defeat the purpose of the bill. She continued by asking if **SEN. TROPILA** would consider the language, "the school may negotiate and collect...", if that would satisfy **REP. JACKSON'S** consternation with the bill.

**Motion:** **REP. GALVIN-HALCRO** moved that **SB 43 BE AMENDED**.

**REP. GALVIN-HALCRO'S** amendment would read, following schools on Line 20, "may negotiate and collect a reasonable fee for the assistance..."

**REP. BALLANTYNE** asked Mr. Gettel if he would be in favor of the substitute motion to change the language to "may negotiate." **Mr. Gettel** stated that he would be able to support the substitute motion.

**REP. LEHMAN** stated that he thought the original language in the bill was acceptable.

**REP. LAKE** advised that he would oppose the amendments.

**REP. MCKENNEY** replied that he would vote no on the amendments.

**REP. GALVIN-HALCRO** withdrew her amendment.

**Vote:** Motion TO AMEND SB 43 failed 1-13 with **REP. JACKSON** voting aye by roll call vote.

**Vote:** Motion that SB 43 BE CONCURRED IN carried 14-0 by voice vote.

**REP. GALVIN-HALCRO** will carry SB 41, SB 42 and SB 43 on the floor of the House.

*{Tape: 2; Side: A; Approx. Time Counter: 0 - 11.8}*

**ADJOURNMENT**

Adjournment: 4:02 P.M.

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REP. JOAN ANDERSEN, Chairman

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MARI PREWETT, Secretary

JA/MP

**EXHIBIT (edh46aad)**